

**THE EVERGLADES COALITION**

Colonel Greg May
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

January 3, 2002

Dear Colonel May:


The undersigned members of the Everglades Coalition write to express our profound concern and strong objection to the Initial Draft Programmatic Regulations released by the Army Corps on December 28, 2001. *Based upon our initial review, the Initial Draft Programmatic Regulations are so inadequate as to threaten the future of the Comprehensive Everglades Restoration Plan (CERP).*

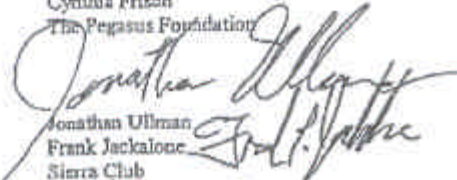
Congress' intent for the programmatic regulations was clear: "to ensure that the goals and purposes of the [CERP] are achieved." As the Senate Committee stated, the "predominant Federal interest ... is the restoration of the South Florida ecosystem." Congress was well aware of the significant future risk that CERP's benefits would be easily sidetracked to primarily serve the needs of increasing numbers of consumptive water users, rather than actually restoring the imperiled Everglades. The programmatic regulations were to be an insurance policy for the Everglades in the Water Resources Development Act of 2000 (WRDA 2000) - what the Senate Committee described as a "carefully balanced assurances provision that provides the mechanism to ensure that project benefits for the natural system are attained."

We previously have made a good faith effort to point out the requirements of WRDA 2000 concerning these regulations. Unfortunately, regardless of this input, *the draft regulations defer virtually every assurance, either simple or complex, to a series of separate, non-binding documents, agreements and "protocols" which have yet to be drafted, the contents of which are subject to broad bureaucratic discretion, and most of which the Corps would exempt from public review, including pursuant to the National Environmental Policy Act (NEPA).* The draft regulations even fail to require that the most important of these documents and protocols, such as for interim restoration goals, be adopted within a specific time period. Indeed, the most specific assurances in the draft regulations concern water supply and flood protection, providing new rights to both. Moreover, the draft violates WRDA 2000 by downgrading the legal concurrence authority of the Department of Interior, federal steward of the Everglades, to a mere right to "consultation" (which, according to the Corps' proposal, can be satisfied by a single phone call). In sum, the great amount of discretion granted the Corps and the State, and the lack of meaningful restoration standards, perpetuates the dominance of political influence over science, which has historically allowed the destruction of the Everglades.

Environmental community support for CERP depends on strong and binding rules that ensure Everglades restoration consistent with the spirit and letter of WRDA 2000. The initial draft categorically fails to meet this criterion. A subsequent acceptable draft will require a fundamental change in philosophy. We are committed to assisting you in this effort, and we will provide your staff with detailed comments on the draft regulations in the coming weeks.

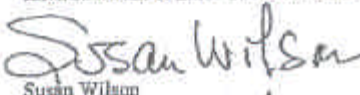

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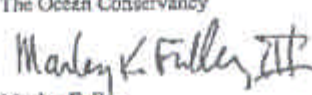

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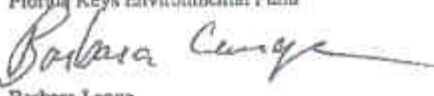

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